

38-7-1 Lien of hospital on judgment, settlement, or compromise in certain accident cases authorized.

- (1)
- (a) Except as provided in Subsection (3), a hospital located within the state that furnishes emergency, medical, or other service to a patient injured by reason of an accident is entitled to assert a lien upon that portion of the judgment, settlement, or compromise going or belonging to the patient, or, in the case of death, to the patient's heirs or personal representatives, less the amount paid by the patient, or on behalf of the patient by heirs or personal representatives, for attorney fees, court costs, and other necessary expenses incidental to obtaining the judgment, settlement, or compromise.
 - (b) No reduction of the asserted lien amount is allowed other than the amount paid by the patient, or the patient's heirs, or personal representatives for attorney fees, court costs, and other necessary expenses incidental to litigation, unless otherwise agreed to in writing by the lien claimant.
 - (c) The hospital lien does not apply to a judgment, settlement, or compromise where the amount is \$100 or less.
- (2) A hospital may file a lien described in Subsection (1) for the amount of the reasonable, usual, and necessary hospital charges for treatment, care, and maintenance of the injured party in the hospital up to the date of payment of the damages.
- (3)
- (a) Except as provided in Subsection (3)(b), a hospital may not assert a lien under Subsection (1) if the services provided by the hospital are covered by workers' compensation or private health insurance.
 - (b)
 - (i) A hospital that provides a service described in Subsection (3)(a) may assert a lien under Subsection (1) if:
 - (A) the private health insurer denies coverage; or
 - (B) the private health insurer does not pay the hospital within 180 days after the day on which the hospital bills the private health insurer.
 - (ii) A lien asserted under Subsection (3)(b)(i)(B) shall be withdrawn when the private health insurer pays the contracted amount, or, in the event there is no contract, the amount agreed to by the private health insurer and the hospital for the service rendered.
 - (iii) A hospital that provides a service described in Subsection (3)(a) may assert a lien under Subsection (1) for a copayment or deductible owed by the patient if the amount of the copayment or deductible conforms with any contractual discount provided by the hospital to the insurer.

Amended by Chapter 273, 2013 General Session